

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:20-CV-00266-MOC-DSC**

**ROBERT E STAFFORD JR., on behalf of )  
himself and all others similarly situated, )  
Plaintiffs, )  
v. )  
BOJANGLES' RESTAURANTS INC., )  
Defendant. )**

**ORDER**

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**THIS MATTER** is before the Court on “Plaintiffs’ Motion to Compel Discovery Responses and For Sanctions,” Doc. 202, and Defendant’s “Motion to Compel,” Doc. 205, as well as the parties’ briefs and exhibits.

These Motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B) and are now ripe for the Court’s consideration.

The Court has carefully considered the authorities, the record and the parties’ arguments.

In “Plaintiffs’ Motion to Compel Discovery Responses and For Sanctions,” Doc. 202, Plaintiff, on behalf of himself and all Opt-in Plaintiffs, requests that Defendant be compelled to fully and completely respond to Plaintiffs’ Interrogatories and Requests for Production of Documents and that sanctions be imposed on Defendant. Plaintiffs argue that Defendant’s responses violate the Federal Rules of Civil Procedure and are otherwise deficient because they are evasive and contain gaps in information and documentation. Defendant argues that it has already responded to the majority of these discovery requests and has properly objected to the remaining three requests.

For the reasons stated in Plaintiffs' briefs, the Motion to Compel is GRANTED IN PART and DENIED IN PART. Defendant shall serve complete, verified responses to Interrogatories Nos. 2, 5, 7, 11 and 14 and Requests for Production of Documents Nos. 1-17. Responses shall be served within thirty days of this Order. Defendant shall produce all responsive documents in the manner in which they are maintained in the usual course of business or by labeling each document to correspond with the applicable request. If Defendant contends that all responsive documents have been produced, they shall state their compliance in a verified discovery response. Defendant may satisfy its burden of demonstrating that the documents were produced as kept in the usual course of business by filing an affidavit of counsel affirming the same and describing the manner in which the documents were produced. See EEOC v. Altec Indus., Inc., No. 1:10-CV-216, 2012 WL 2295621, at \*3 (W.D.N.C. June 18, 2012). Plaintiffs' request for attorneys' fees and costs is DENIED.

In Defendant's "Motion to Compel," Doc. 205, it requests that opt-in Plaintiffs be ordered to provide full individualized responses to Defendant's Interrogatories Nos. 10, 11, 12, and 13 and Requests for Production Nos. 36, 37 and 38. Defendant seeks this information to discover the nature and extent of each opt-in Plaintiff's claims and whether the opt-in Plaintiffs are similarly situated to each other. Defendant argues that Plaintiffs are seeking individual discovery on all 550 opt-in Plaintiffs from it and therefore, Plaintiffs must likewise provide individual discovery. Plaintiffs argue that individual discovery is not appropriate in an FLSA collective action and Defendant's Motion is a strategic ploy to harass, annoy and oppress all Plaintiffs.

For the reasons stated in Defendant's briefs, the Motion to Compel is GRANTED. Opt-in Plaintiffs through counsel shall serve full individualized responses to Defendant's Interrogatories

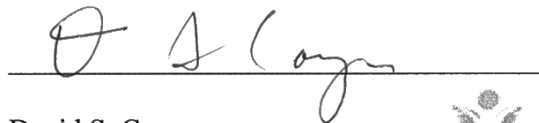
Nos. 10, 11, 12, and 13 and Requests for Production Nos. 36, 37 and 38. Responses shall be served within thirty days of this Order.

**NOW THEREFORE IT IS HEREBY ORDERED** that:

1. “Plaintiffs’ Motion to Compel Discovery Responses and For Sanctions,” Doc. 202 is **GRANTED IN PART** and **DENIED IN PART** as stated above.
2. Defendant’s “Motion to Compel,” Doc. 205 is **GRANTED**.
3. The parties will bear their own costs at this time.
4. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: August 20, 2021

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

